IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET.
MISC.CIVIL APPLICATION NO.108 OF 2004

Indira Rani & Ors. ...Petitioners

Vs.

B.N.Desai (through heirs) & Ors. ...Respondents

CORAM: A.S.OKA,J.
DATE : FEBRUARY 15, 2005.

P.C.:

1. Heard Shri Maniyar appearing for the Applicants in support of Application under Section 24 of Code of Civil Procedure, 1908. The grievance of the Applicants is that in earlier two Appeals filed by the Appellants before the Appeal Bench of Small Causes Court, the decisions have been given by the Appeal Bench against the Applicants and the said decisions are erroneous. He submitted that in the Benches which heard earlier two Appeals one learned Judge was common. It is pointed out that the same learned Judge is heading the Appeal Bench before which another Appeal preferred by the Applicants is pending. The application for transfer is filed on apprehension that even the said Appeal will be decided by the said Bench against the Applicants.

2. After hearing Shri Maniyar and after perusing the averments made in the Application the only grievance seems to be that there is an apprehension in the minds of the Applicants that the Appeal Bench may decide the Appeal preferred by the Applicants against the Applicants on merits

by taking a view which was taken in earlier two Appeals. In my view, the said apprehension is no ground for transfer. The Application is misconceived and the same is rejected with no order as to costs.

JUDGE.